



RALPH DLG. TORRES  
Governor

VICTOR B. HOCOG  
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

11 DEC 2017

The Honorable Rafael S. Demapan  
Speaker, House of Representatives  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Arnold I. Palacios  
Senate President, The Senate  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 20-14, entitled, "To improve the justice system's response to domestic violence, and for other purposes," which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-28**. Copies bearing my signature are forwarded for your reference.

Sincerely,



VICTOR B. HOCOG  
Acting Governor

cc: Governor; Press Secretary; Attorney General's Office; Supreme Court of the Northern Marianas; Superior Court of the Northern Marianas; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



# *House of Representatives*

20<sup>th</sup> NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586  
SAIPAN, MP 96950

November 2, 2017

The Honorable Ralph DLG. Torres  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 20-14**, entitled: "To improve the justice system's response to domestic violence, and for other purposes.", which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

Sincerely yours,

A handwritten signature in black ink, appearing to read "L. Muña", enclosed within a circular scribble.

Linda B. Muña  
House Clerk

Attachment



*Twentieth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**First Regular Session**

**January 31, 2017**

REPRESENTATIVE RAFAEL S. DEMAPAN of Saipan, Precinct 2 (*for himself*;) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 20-14**

**AN ACT**


**TO IMPROVE THE JUSTICE SYSTEM'S RESPONSE TO  
DOMESTIC VIOLENCE, AND FOR OTHER PURPOSES.**

The Bill was referred to the Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report No. 20-31; adopted 6/27/17.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, JULY 6, 2017;**  
*without amendments* and transmitted to the  
**THE SENATE.**

The Bill was referred to the Senate Committee on Judiciary, Government and Law.  
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, OCTOBER 25, 2017;**  
*without amendments and was returned to*  
**THE HOUSE OF REPRESENTATIVES.**

**THE BILL WAS FINALLY PASSED ON JULY 6, 2017.**

  
\_\_\_\_\_  
Linda B. Muña, House Clerk



*Twentieth Legislature*  
*of the*  
*Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

SECOND DAY, FIFTH SPECIAL SESSION

JULY 6, 2017

---

---

**H. B. NO. 20-14**

**AN ACT**

**TO IMPROVE THE JUSTICE SYSTEM'S RESPONSE TO DOMESTIC  
VIOLENCE, AND FOR OTHER PURPOSES.**

**Be it enacted by the Twentieth Northern Marianas Commonwealth  
Legislature:**

1           **Section 1. Findings and Purpose.** The Legislature finds that strangulation is one of  
2 the most lethal forms of domestic violence. Unconsciousness may occur within seconds and  
3 death within minutes. Strangulation is among the best predictors of future homicide in  
4 domestic violence cases. According to a 2008 study by the Journal of Emergency Medicine,  
5 the odds of becoming an attempted homicide increased by about sevenfold for women who  
6 had been strangled by their partner.

7           Strangulation is currently charged as battery. The penalties for battery are not  
8 sufficient to reflect the severity of this offense. The National Center for the Prosecution of  
9 Violence Against Women, the National District Attorneys Association, and the National  
10 Family Justice Center Alliance all support the establishment of a separate felony offense for  
11 strangulation.

12           The Legislature finds that many perpetrators of domestic violence use threats and  
13 intimidation against their victims to prevent them from testifying in court. The courts of the  
14 Commonwealth should not reward such behavior. Therefore, the Commonwealth should

## HOUSE BILL 20-14

1 adopt the doctrine of forfeiture by wrongdoing in domestic violence cases: a defendant who  
2 engages in conduct designed to prevent a witness from testifying has forfeited their right to  
3 confront the witness in court. The United States Supreme Court approved this doctrine in  
4 *Giles v. California*, 554 U.S. 353 (2008).

5 The Commonwealth can also reduce the use of intimidation to prevent victims from  
6 testifying by allowing the use of prior inconsistent sworn statements as substantive evidence,  
7 rather than merely as impeachment. This provision is adapted from 725 Ill. Comp. Stat.  
8 5/115-10.1 and should be interpreted consistently with that statute.

9 The Legislature finds that the behavior of victims of domestic violence may be  
10 counterintuitive. Mental health experts as well as other professionals who work with  
11 domestic violence victims, however, understand that behavior viewed as counterintuitive by  
12 the public actually represents common victim responses to trauma. The Commonwealth  
13 should adopt a statute to expand the scope of expert testimony in domestic violence cases.  
14 This provision is adapted from 42 Pa.C.S. § 5920 and should be interpreted consistently with  
15 that statute.

16 The Legislature finds that the Commonwealth's current laws against stalking are  
17 based on Alaska Stat. §§ 11.41.260-270. These statutes have come under criticism because  
18 they do not address the full range of stalking behaviors, including indirect communications  
19 with victims. Stalking includes, but is not limited to, a pattern of following, observing, or  
20 monitoring the victim, or committing violent or intimidating acts against the victim,  
21 regardless of the means.

22 The Legislature intends to enact a stalking statute that permits the criminal justice  
23 system to hold stalkers accountable for a wide range of acts, communications, and conduct.  
24 This statute is adapted from the 2007 edition of the Model Stalking Code and should be  
25 interpreted consistently with other states that have enacted that statute, and with the  
26 publication "The Model Stalking Revisited: Responding to the New Realities of Stalking,  
27 published by the National Center for Victims of Crime in 2007."

28 **Section 2. Amendment.** Title 6, Division 1, Part 1, Chapter 4, Article 5 of the  
29 Commonwealth Code is amended by the addition of a new section 1468, as follows:

HOUSE BILL 20-14

1                   **“§1468. Strangulation.**

2                   (a) In this section:

3                         (1) ‘Strangle’ means to impede the normal breathing or circulation of  
4                         the blood of another person by applying pressure to the throat or the neck of  
5                         the other person, or by blocking the nose or the mouth of the other person.

6                         (2) ‘Household member’ has the same definition as the term  
7                         ‘household member’ found in 6 CMC § 1461(a)(2).

8                   (b) Any person who willfully and unlawfully strangles or attempts to strangle  
9                   a household member is guilty of a felony punishable by imprisonment for not more  
10                   than seven years.

11                   (c) No injuries are required to prove attempted strangulation.

12                   (d) The prosecution is not required to prove that the defendant intended to  
13                   injure or kill the victim. The only intent required is the intent to strangle or attempt to  
14                   strangle.”

15                   **Section 3. Amendment.** Title 6, Division 1, Part 1, Chapter 4, Article 5 of the  
16                   Commonwealth Code is amended by the addition of a new section 1469, as follows:

17                   **“§1469. Special Evidentiary Standards in Domestic Violence Actions.**

18                   (a) Every party in a criminal or civil action involving domestic violence  
19                   forfeits the right to object to a statement on hearsay and Confrontation Clause  
20                   grounds when the party engaged in conduct, or acquiesced to conduct, designed to  
21                   procure the unavailability of the declarant of the statement as a witness. The conduct  
22                   need not consist of a criminal act.

23                   (b) In any domestic violence case, evidence of a statement made by a witness  
24                   is not made inadmissible by the hearsay rule if:

25                         (1) the statement is inconsistent with his testimony at the hearing or  
26                         trial, and

27                         (2) the witness is subject to cross-examination concerning the  
28                         statement, and

29                         (3) the statement:

HOUSE BILL 20-14

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

(i) was made under oath at a trial, hearing, or other proceeding,  
or

(ii) narrates, describes, or explains an event or condition of  
which the witness had personal knowledge, and:

(A) the statement is proved to have been written or  
signed by the witness, or

(B) the witness acknowledged under oath the making of  
the statement either in his testimony at the hearing or trial in  
which the admission into evidence of the prior statement is  
being sought, or at a trial, hearing, or other proceeding, or

(C) the statement is proved to have been accurately  
recorded by a tape recorder, videotape recording, or any other  
similar electronic means of sound recording.

(4) Nothing in this subsection shall render a prior inconsistent  
statement inadmissible for purposes of impeachment because such statement  
was not recorded or otherwise fails to meet the criteria set forth herein.

(c) In a criminal proceeding involving domestic violence, a witness may be  
qualified by the court as an expert if the witness has specialized knowledge beyond  
that possessed by the average layperson based on the witness's experience with, or  
specialized training or education in, criminal justice, behavioral sciences or victim  
services issues, related to domestic violence, that will assist the trier of fact in  
understanding the dynamics of domestic violence, victim responses to domestic  
violence and the impact of domestic violence on victims during and after being  
assaulted.

(1) If qualified as an expert, the witness may testify to facts and  
opinions regarding specific types of victim responses and victim behaviors.

(2) The witness's opinion regarding the credibility of any other  
witness, including the victim, shall not be admissible.

(3) A witness qualified by the court as an expert under this section may

HOUSE BILL 20-14

1 be called by the attorney for the Commonwealth or the defendant to provide  
2 the expert testimony.”

3 **Section 4. Repeal and Re-Enactment.** 6 CMC § 1471 is repealed and re-enacted as  
4 follows:

5 **“§ 1471. Definitions.**

6 As used in this article:

7 (a) “Course of conduct” means two or more acts, including, but not  
8 limited to, acts in which the stalker directly, indirectly, or through third  
9 parties, by any action, method, device, or means, follows, monitors, observes,  
10 surveils, threatens, or communicates to or about, a person, or interferes with a  
11 person’s property.

12 (b) “Emotional distress” means significant mental suffering or distress  
13 that may, but does not necessarily, require medical or other professional  
14 treatment or counseling.

15 (c) “Reasonable person” means a reasonable person in the victim’s  
16 circumstances.”

17 **Section 5. Repeal and Re-Enactment.** 6 CMC § 1472 is repealed and re-enacted as  
18 follows:

19 **“§ 1472. Stalking.**

20 (a) Any person who purposefully engages in a course of conduct directed at a  
21 specific person and knows or should know that the course of conduct would cause a  
22 reasonable person to:

23 (1) fear for his or her safety or the safety of a third person; or

24 (2) suffer other emotional distress is guilty of stalking.

25 (b) In any prosecution under this law, it shall not be a defense that:

26 (1) the actor was not given actual notice that the course of conduct was  
27 unwanted; or

28 (2) the actor did not intend to cause the victim fear or other emotional  
29 distress.



HOUSE BILL 20-14

1 (c) A person commits the crime of stalking in the first degree if the person  
2 violates subsection (a) and:

3 (1) the defendant violated any order prohibiting contact with the  
4 victim; or

5 (2) the defendant was convicted of stalking any person within the  
6 previous 10 years; or

7 (3) the defendant used force or a weapon or threatened to use force or a  
8 weapon; or

9 (4) the victim is a minor.

10 (d) All acts of stalking not described in subsection (c) constitute the crime of  
11 stalking in the second degree.

12 (e) Stalking in the first degree is a felony punishable by imprisonment of up to  
13 four years, by a fine of up to \$2,000, or both.

14 (f) Stalking in the second degree is a felony punishable by imprisonment of up  
15 to one year, by a fine of up to \$1,000, or both.”

16 **Section 6. Amendment.** 6 CMC § 1461(a)(1) is amended by the addition of the  
17 following subsection:

18 “(L) Strangulation under 6 CMC § 1468.”

19 **Section 7. Severability.** If any provision of this Act or the application of any such  
20 provision to any person or circumstance should be held invalid by a court of competent  
21 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
22 circumstances other than those to which it is held invalid shall not be affected thereby.

23 **Section 8. Savings Clause.** This Act and any repealer contained herein shall not be  
24 construed as affecting any existing right acquired under contract or acquired under statutes  
25 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
26 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
27 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
28 any liability, civil or criminal, which shall already be in existence on the date this Act  
29 becomes effective.

HOUSE BILL 20-14

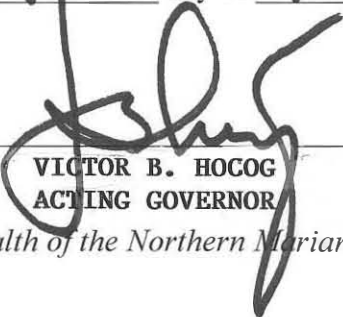
1  
2

**Section 9. Effective Date.** This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

Attested to by:   
**Linda B. Muña, House Clerk**

Certified by:   
**SPEAKER RAFAEL S. DEMAPAN**  
House of Representatives  
20<sup>th</sup> Northern Marianas Commonwealth Legislature

Approved this 11<sup>th</sup> day of December, 2017

  
**VICTOR B. HOCOG**  
**ACTING GOVERNOR**  
Commonwealth of the Northern Mariana Islands